

rel.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/326,258 | 06/04/1999 | Damion L. Hankejh | SESSIO.P01 | 3976 |

7590 01/29/2003

Patrick M Dwyer PC
1818 Westlake Avenue N
Suite 114
Seattle, WA 98109

EXAMINER

VU, VIET DUY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2154

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/326,258

Applicant(s)

Hankejh et al

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 24, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Serial No. 09/326,258

DETAILED ACTION

Art Rejections:

1. The text of 35 USC 102(e) not cited here can be found in the previous office action.

2. The rejection of claims 1-2 under 35 U.S.C. §102(e) as being clearly anticipated by Sanderman et al, U.S. pat. No. 5,794,006, paper #24, mailed 11/20/02, is hereby incorporated by reference.

3. Claims 1-3 are further rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Anupam et al, U.S. pat. No. 5,862,330.

Per claim 1, Anupam discloses a system and method for using a conventional web browser to perform chat function and collaborative browsing comprising:

a) a Java-enabled browser for browsing/visiting a web site or server in the network by selecting a special (predetermined) URL (see col 2, lines 19-38),

b) a collaboration session service, responsive to user's click on a hyperlink address representing a network site, for distributing JAVA applet to user's browser for enabling user to participate in a collaborative browsing and/or an interactive chat session (see col 2, line 39 - col 3, line 32 and col 5, lines 21-35).

Serial No. 09/326,258

It is noted that in a conventional web browser, a URL is usually selected/entered by clicking on a hyperlink. In fact, the web browser is especially designed to enable users browsing the network by clicking on hyperlinks instead of having to manually enter a network address, which is very tedious and error-prone.

It is also noted that in the conventional browser, hyperlinks can be represented by many different formats including texts, images, buttons or icons, e.g., HOME, FAVORITE buttons.

Per claim 3, Anupam teaches performing a series of predetermined steps before admitting a new user request for joining an existing session (see fig 2B).

Response to Amendment:

4. Applicant's arguments filed on 12/24/02 with respect to rejection of claims 1-2 over Sanderman are not deemed persuasive.

Applicant alleges that Sanderman does not teach browser-leading capability as defined in page 1, line 20.

This alleged portion of the specification discussed the collaborative browsing function enabled by iSession. Since iSession is not required in claims 1 and 2, Sanderman's teachings are deemed sufficient meeting the claim limitations.

Applicant's Declarations and response filed 12/24/02 are moot in view of new ground of rejection set forth above.

Serial No. 09/326,258

As discussed in the previous office action, applicant is required to provide demonstrative evidence in support of the asserted conception date of the invention. See MPEP 715.07. Although applicant claimed to have conceived the invention as early as in January 1996, there was no hard evidence to support such claim, e.g., source codes, notebooks, etc. From the declarations submitted by applicant, it appears that at least one element of the invention concept, i.e., integrating chat function within a browser, wasn't disclosed to another person until July 1996. Therefore the earliest acceptable conception date for the at least one claimed subject matter (i.e., claim 1) appears to be not earlier than July 1996. Other evidences presented by applicants via affidavits also shows that other elements of the claimed invention, including iSession and Java applets, were not conceived before September 1996 (Fall 1996). Since applicant's declarations fail to show that the invention was conceived before July 1996, Anupam is properly applied as prior art against claims 1-3.

Conclusion:

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

Serial No. 09/326,258

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



VIET D. VU
PRIMARY EXAMINER

Art Unit 2154
1/23/03